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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JASON MILLER,

Plaintiff,

vs.

PAVESTONE, LLC,

Defendant.

Case No. 2:12-cv-2198-JCM-(NJK)

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO RESPOND TO DEFENDANT'S MOTION TO DISMISS**

(Second Request)

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(B) and the Court's Local Rule 7-2, Plaintiff Jason Miller respectfully requests that the Court extend, to and until April 24, 2013, the current deadline for responding to Defendant's motion to dismiss. This is Plaintiff's second request for extension of time. Plaintiff's response to Defendant's pending dispositive motion was due on April 22, 2013.

In support of this motion, Plaintiff relies upon the memorandum of points and authorities set forth below.

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MEMORANDUM OF POINTS AND AUTHORITIES

Federal Rule of Civil Procedure 6(b)(1)(B) provides that “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time on motion made after the time has expired if the party failed to act because of excusable neglect.” It is within a trial court’s sound discretion to determine whether to grant an extension of time. Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258 (9th Cir. 2012). In this case, “good cause” exists for the requested extension of time based upon “excusable neglect.”

Counsel for Plaintiff, Ruth L. Cohen, has been suffering from recent illness¹ that has prevented her from devoting the time necessary to meeting a number of deadlines in her cases, including the one in this case. While it was anticipated that Ms. Cohen would finalize Plaintiff’s opposition in this case and timely file it on April 22, 2013, she suffered an unfortunate relapse of her illness that prevented her from filing the nearly completed opposition brief. Despite his own heavy caseload, undersigned counsel will be required to address the numerous deadlines in Ms. Cohen’s cases, including taking responsibility for meeting the deadlines in this and several other cases.

In light of the foregoing, undersigned counsel will be working on finalizing the response to Defendant’s motion to dismiss currently pending in this litigation. However, an additional two business days will be needed to accomplish this task. While a significant portion of the brief has been completed, undersigned counsel will need to

¹ Ms. Cohen has been diagnosed with pneumonia. Thankfully, she is recovering but has a weakened condition that has kept her from the office for a significant period of time.

familiarize himself with this case² while balancing other competing case commitments.
An additional two business days should provide adequate time for undersigned counsel
to file an appropriate response to Defendant's motion to dismiss.

CONCLUSION

In light of the foregoing, Plaintiff, by and through undersigned counsel,
respectfully requests that the Court provide him with an additional two business days, to
and until April 24, 2013, to file a response to the pending dispositive motion.

Respectfully submitted,

/s/ Paul S. Padda

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Attorneys for Plaintiff

Dated: April 23, 2013

IT IS SO ORDERED:

**Plaintiff's request for an extension of time to
respond to the pending dispositive motion is
hereby granted. Plaintiff's response shall be due
on or before April 24, 2013.**

James C. Mahan

UNITED STATES DISTRICT JUDGE

Dated: April 23rd, 2013

² Specifically, reviewing Defendant's motion to dismiss.